

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

filed in open court
12/3/04
2:30 pm JS

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|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Criminal No. 04-10271-PBS |
| |) | |
| JUAN RIVERA, et al. |) | |
| |) | |
| |) | |

JOINT MEMORANDUM ON INITIAL STATUS CONFERENCE

Pursuant to Local Rule 116.5(A), the government and Defendants Juan Rivera and Alexander Gonzalez report as follows:

1. Defendant Gonzalez requests an additional two weeks to file a discovery letter.
2. Defendants request expert discovery. The parties propose the following schedule for expert disclosures: i) government's expert disclosures are due 30 days before trial; and ii) defendant's expert disclosures are due 14 days before trial.
3. Defendants have not completed review of the automatic discovery provided by the government. At this time, the parties anticipate providing supplemental discovery.
4. No date for the Defendants to file motions should be set at this time because Defendants and counsel are still reviewing the discovery provided by the government. Defendants may ask for a deadline for filing these motions at the further status conference that the parties have requested below. Additionally, Gonzalez has filed a motion seeking copies of

recordings in this case, and the government has filed an opposition. The parties are prepared to address the motion.

5. Speedy Trial Act

a. The Court, by order dated November 2, 2004, has excluded the time period between arraignment on September 22, 2004 and the initial status conference on December 3, 2004.

b. The parties further request that the time between this date, December 3, 2004 and the date to be set for the further status conference (as requested in Paragraph 7 below), be excluded under the Speedy Trial pursuant to 18 U.S.C. §3161(h)(8)(A), and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court. Before the further status conference, Defendants will decide whether to file any motions and will continue to review discovery and the parties will discuss the possibility of resolution of this matter. It is parties' position that the ends of justice served by granting this requested exclusion of time outweigh the best interest of the public and the defendants in a speedy trial.

6. It is too early to determine whether a trial is necessary in this case. If, however, the case proceeds to trial, the parties anticipate that it will be a one-week trial.

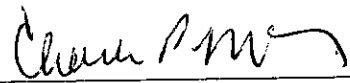
7. The parties request that the Court set a further Status Conference for a date on or after January 3, 2005.

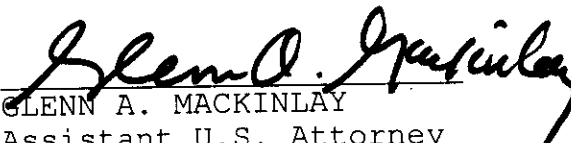
Respectfully submitted,

ALEXANDER GONZALEZ
By his attorney,

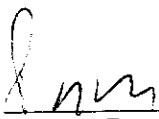
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By:


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JUAN RIVERA
By his attorney,


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DATE: December 3, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the persons listed below a copy of the foregoing document by delivering it in

hand to:

CHARLES MCGINTY, Esq.
Federal Defender's Office
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PAUL J. GARRITY, Esq.
14 Londonderry Road
Londonderry, NH 03053

This 3rd day of December, 2004.



GLENN A. MACKINLAY
ASSISTANT UNITED STATES ATTORNEY